

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UJU ONUACHI,

Plaintiff,

vs.

MASTER BUILDERS INC., HARRY S.
PETERSON COMPANY, WESTERN
WATERPROOFING CO., INC., a
Subsidiary of the Western Group; THE
WESTERN GROUP, THE ALLIANCE
GROUP INC., MEYLAN ENTERPRISES
INC., ALEGENT HEALTH IMMANUEL
MEDICAL CENTER, MD BODO W. TREU,
MD DAVID A. STERNS, HEART
CONSULTANTS, PC, MD REBECCA S.
RUNDLETT, NEBRASKA HEART
INSTITUTE, DENNIS R. RIEKENBERG,
CASSEM, ADAMS, GOTCH & DOUGLAS
LAW FIRM, JOHN R. TIMMERMIEIER,
TImmERMIEIER, GROSS, & PRENTISS
LAW FIRM, JOHN K. GREEN, PICKENS,
GREEN, & CLEASON L.L.P., STEPHEN
L. AHL, KRISTA M. CARLSON, WOLFE,
SNOWDEN, HURD & AHL, L.L.P.,
JACQUELINE M. DELUCA, MARK C.
LAUGHLIN, FRASER, STRYKER LAW
FIRM, DAVID L. WELCH, PANSING,
HOGAN LAW FIRM, DEAN F. SUING,
GOVIER, KATSKEE LAW FIRM, ABIGAIL
M. MOLAND, NICOLE K. GRIFFARD, and
MCGRATH, NORTH LAW FIRM,

Defendants.

4:18CV3147

MEMORANDUM
AND ORDER

This matter is before the Court on the Motion to Dismiss, ECF No. 17, filed by Defendants Pansing, Hogan Law Firm and David Welch; the Motion to Dismiss, ECF No. 19, filed by Defendant Nebraska Heart Institute; the Motion to Dismiss, ECF No. 21, filed

by Defendant Alegent Health Immanuel Medical Center; the Motion to Dismiss, ECF No. 23, filed by Defendant Rebecca Rundlett; the Motion to Dismiss, ECF No. 25, filed by Defendant Bodo Treu; the Motion to Dismiss, ECF No. 62, filed by Defendants Stephen Ahl and Krista Carlson; the Motion to Dismiss, ECF No. 66, and Motion for Permanent Injunction, ECF No. 68, filed by Defendants Jacqueline Deluca, Mark Laughlin, and the Alliance Group Inc.; the Motion to Dismiss, ECF No. 79, filed by Defendants Harry S. Peterson Company, Master Builders Inc., The Western Group, and Western Group Waterproofing Co., Inc.; the Motion to Dismiss, ECF No. 97, and Motion for Permanent Injunction, ECF No. 100, filed by Defendants Dennis Riekenberg and Dean Suing; the Motion to Dismiss, ECF No. 104, filed by Defendant John Green; and the Motion to Amend Complaint, ECF No. 103, filed by Plaintiff Uju Onuachi.

Plaintiff Uju Onuachi previously filed an unsuccessful lawsuit against several of the Defendants based on the same subject matter of this action—a work-related injury from 1999 and allegations of fraud committed during various state and federal lawsuits initiated by Onuachi in connection with that injury.¹ *Onuachi v. Master Builders, Inc.*, 4:17CV3114, 2018 WL 922135, at *4 (D. Neb. Feb. 15, 2018) (dismissing the action with prejudice); see generally Case No. 4:17CV3114. In that case, the Court noted that Onuachi’s action appeared to be frivolous and identified six prior, related lawsuits filed by Onuachi. *Id.* The Court also “caution[ed] Onuachi that any further filings in this Court touching on the subject matter of this action likely will result in the imposition of a permanent injunction

¹ In his Amended Complaint, Onuachi alleged “[f]rauds upon the Courts, Frauds and Deceits Perpetuated in Onuachi’s ‘on-the-Job Low Back Accident and Injuries’, is the basis ‘Action’ in this lawsuit. The accident of Plaintiff’s low back injuries occurred at Chesterfield Parking Garage Cleveland Ohio on or about August 8, 1999.” Am. Compl. ¶ 28, ECF No. 8, Page ID 191.

against further filings and an award of attorney's fees for the defendants." *Id.* On October 2, 2018, the Eighth Circuit summarily affirmed this Court's judgment in that case, Order, ECF No. 124 in Case No. 4:17CV3114, and, despite this Court's admonition, on October 30, 2018, Onuachi filed this action against the same, as well as additional, defendants based on the same subject matter. Compl., ECF No. 1; Am. Compl., ECF No. 8.

Because this action touches on the same subject matter as Onuachi's prior action, *Onuachi*, 2018 WL 922135, at *4, which was dismissed by this Court, with prejudice, the Court will summarily dismiss this action, with prejudice. Under the All Writs Act, 28 U.S.C. § 1651, the Court will also permanently enjoin Onuachi from filing any further complaints, pleadings, motions, or other items with this Court based on the work-related injuries alleged in his Amended Complaint, ECF No. 8, or any alleged fraudulent conduct related to that injury. *Onuachi*, 2018 WL 922135, at *3 (citing 28 U.S.C. § 1651 and *Day v. Day*, 510 U.S. 1, 2 (1993) (per curiam)). The Defendants may file a motion for attorney fees on or before January 15, 2019. Accordingly,

IT IS ORDERED:

1. The Motions to Dismiss, ECF Nos. 17, 19, 21, 23, 25, 62, 66, 79, 97, 104, are granted;
2. The Motion to Amend Complaint, ECF No. 103, filed by Plaintiff Uju Onuachi, is denied;
3. The above-captioned action is dismissed, with prejudice;
4. A separate judgment will be entered;
5. The Motions for Permanent Injunction, ECF Nos. 68, 100, are granted;
6. Plaintiff Uju Onuachi is permanently enjoined from filing any further complaints, pleadings, motions, or other items with this Court based on the same subject matter of this action, including the work-related injuries

alleged in his Amended Complaint, ECF No. 8, and any alleged fraudulent conduct related to that injury; and

7. Defendants may file a motion for attorney fees on or before January 15, 2019.

Dated this 31st day of December, 2018.

BY THE COURT:

s/Laurie Smith Camp
Senior United States District Judge